

**RULE 63 (37 C.F.R. 1.63)**  
**DECLARATION FOR PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled NON-GELATIN CAPSULE SHELL FORMULATION the specification of which (check applicable box(es)):

is attached hereto.  
 was filed on \_\_\_\_\_ as U.S. Application Serial No. \_\_\_\_\_  
 was filed as PCT international application No. PCT/\_\_\_\_\_ / on \_\_\_\_\_ and (if applicable to U.S. or PCT application) was amended on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. 1.56(a). I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application:

Prior Foreign Application(s):	Application Number	Country	Day/Month/Year Filed
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I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application listed below:

Prior Provisional Application(s):	Application Serial No.	Day/Month/Year Filed
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I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT international applications listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. 1.56(a) which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1) Inventor's Signature	<u>Linus K. Fonkwe</u>			Date	<u>12/21/2001</u>
Inventor's Name (typed)	Linus First	G. Middle Initial	Fonkwe Family Name	Citizenship	Cameroon
Residence (City)	High Point			State/Foreign Country	NC USA
Post Office Address	3981 River Pointe Place, Apt. 111, <sup>(12/21/01)</sup> 3235 DERBY CIRCLE			Zip Code	27265
2) Inventor's Signature				Date	
Inventor's Name (typed)	Don First	A. Middle Initial	Archibald Family Name	Citizenship	USA
Residence (City)	Jamestown			State/Foreign Country	NC USA
Post Office Address	4 Havershire Ct			Zip Code	27282
3) Inventor's Signature				Date	
Inventor's Name (typed)	Aristippos First	Middle Initial	Gennadios Family Name	Citizenship	Greece
Residence (City)	Greensboro			State/Foreign Country	NC USA
Post Office Address	17 Topridge Court			Zip Code	27407-5110

**FOR ADDITIONAL INVENTORS, check box  and attach sheet with same information and signature and date for each.**

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1)	Inventor's Signature			Date
Inventor's Name (typed)	Linus	G.	Fonkwe	Cameroon
	First	Middle Initial	Family Name	Citizenship
Residence (City)	High Point			State/Foreign Country) NC USA
Post Office Address	3981 River Pointe Place, Apt. 1H			Zip Code 27265
2)	Inventor's Signature			Date 1/2/2002
Inventor's Name (typed)	Don	A.	Archibald	USA
	First	Middle Initial	Family Name	Citizenship
Residence (City)	Jamestown			State/Foreign Country) NC USA
Post Office Address	4 Havershire Ct			Zip Code 27282
3)	Inventor's Signature			Date
Inventor's Name (typed)	Aristippos	Gennadios		Greece
	First	Middle Initial	Family Name	Citizenship
Residence (City)	Greensboro			State/Foreign Country) NC USA
Post Office Address	17 Topridge Court			Zip Code 27407-5110

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(4/98)

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1) Inventor's Signature	Date _____		
Inventor's Name (typed)	Linus First	G. Middle Initial	Fonkwe Family Name
Residence (City)	High Point		Cameroon Citizenship
Post Office Address	3981 River Pointe Place, Apt. 1H		NC USA Zip Code 27265
2) Inventor's Signature	Date _____		
Inventor's Name (typed)	Don First	A. Middle Initial	Archibald Family Name
Residence (City)	Jamestown		USA Citizenship
Post Office Address	4 Havershire Ct		NC USA Zip Code 27282
3) Inventor's Signature	Date 12/21/2001		
Inventor's Name (typed)	Aristippos First	Gennadios Middle Initial	Greece Family Name
Residence (City)	Greensboro		Citizenship
Post Office Address	17 Topridge Court		NC USA Zip Code 27407-5110

**FOR ADDITIONAL INVENTORS, check box  and attach sheet with same information and signature and date for each.**

(4/98)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Fonkwe, et al.  
For: NON-GELATIN CAPSULE SHELL FORMULATION  
Filed concurrently herewith.  
Serial Number to be assigned.

Commissioner for Patents  
Washington, D.C. 20231

POWER OF ATTORNEY

Sir:

The undersigned, assignee of the entire interest in and to an application of Linus G. Fonkwe, Don A. Archibald, and Aristippos Gennadios for U.S. Letters Patent for a NON-GELATIN CAPSULE SHELL FORMULATION, by assignment documents being recorded contemporaneously herewith, hereby appoints: LOUIS T. ISAF Reg. No. 29,078; JAMES F. VAUGHAN Reg. No. 31,889; STEVEN D. KERR Reg. No. 32,472; D. SCOTT SUDDERTH Reg. No. 34,026; MICHAEL A. CICERO Reg. No. 34,562; JOHN J. TIMAR Reg. No. 32,497; STEVEN L. SCHMID Reg. No. 39,358; DAVID J. HAYZER Reg. No. 43,329; DAVID S. BRADIN Reg. No. 37,783; JACQUELYN D. AUSTIN Reg. No. 43,478; CARL B. MASSEY, JR. Reg. No. 44,224; BRIAN J. HAIRSTON Reg. No. 46,750; THOMAS B. MCGURK, Reg. No. 44,920; KATHLEEN NEUNER MANNE, Reg. No. 40,101; WILLIAM A. CAPP, Reg. No. P-49,037; C. ROBERT RHODES, Reg. No. 24,200; JACK B. HICKS, Reg. No. 34,180; JEFFREY R. MCFADDEN, Reg. No. 46,916; LEWIS S. ROWELL, Reg. No. 45,469; and CRAIG H. POPALIS Reg. No. 49,028, with the firm of Womble Carlyle Sandridge & Rice, PLLC, as my attorneys and/or agents with full power of substitution and revocation, to prosecute

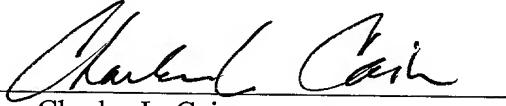
this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith.

Furthermore, in accordance with 37 CFR '3.73(b), the undersigned hereby states that the documentary evidence of a chain of title from the original owner to the assignee, i.e. assignment document referenced above, has been reviewed and the undersigned certifies that, to the best of assignee's knowledge and belief, title is in assignee who seeks to prosecute this application.

**PLEASE ADDRESS ALL COMMUNICATIONS AND TELEPHONE CALLS TO:**

Jack B. Hicks, Esq.  
Womble Carlyle Sandridge & Rice, PLLC  
300 N. Greene Street  
Suite 1900  
Greensboro, NC 27401  
Tel: 336-574-8050

**BANNER PHARMACAPS, INC.**

By:   
Charles L. Cain  
Senior Vice President, Legal and Public Affairs

Date: 1/4/02

Attorney File No.: 4700-083 (04700.467.4)